

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTEVILLE, VA
FILED

AUG 18 2005

JOHN F. CONCORAN, CLERK
BY:  DEPUTY CLERK

WINIFRED D. MALLORY,

) CASE NO. 3:02CV00049

Plaintiff

)

v.

) REPORT AND RECOMMENDATION

JO ANNE B. BARNHART
Commissioner of Social Security,

) By: B. Waugh Crigler
U. S. Magistrate Judge

Defendant

)

The Commissioner having advised the court that she has no objection to an award of attorney fees to Edmund R. Michie , Esq. in the amount of Four Thousand Five Hundred Dollars (\$4,500.00) under the Social Security Act, (Act), 206(b), 42 U.S.C. § 406(b). Therefore, it is, hereby

R E C O M M E N D E D

that an Order enter awarding counsel for plaintiff, Edmund R. Michie, Esq. the sum of Four Thousand Five Hundred Dollars (\$4,500.00) in counsel fees under the Social Security Act (Act), 206(b), 42 U.S.C. § 406(b).

The Clerk is directed to immediately transmit the record in this case to the presiding District Judge. Both sides are reminded that pursuant to Rule 72(b) they are entitled to note objections, if any they may have, to this Report and Recommendation within (10) days

hereof. Any adjudication of fact or conclusion of law rendered herein by the undersigned not specifically objected to within the period prescribed by law may become conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C. § 636(b)(1)(C) as to factual recitations or findings as well as to the conclusions reached by the undersigned may be construed by any reviewing court as a waiver of such objection. The Clerk is directed to send a certified copy of this Report and Recommendation to all counsel of record.

ENTERED:


Judge

8/18/05
Date